**EXHIBIT Q** (to Plaintiff's Motion for Partial Summary Judgment)

Plaintiff's Deposition Exhibit 3

Department of Veterans A	Affairs	COMPE	NSATION PAN	EL ACTION
NAME		LA	ST 4 DIGITS OF SSN	DATE
Kennedy, Richard			6.1	May 1, 2015
SERVICE/LOCATION	ASSIGNI	MENT	CURRENT TIER	ANNUAL SALARY
WJB Dorn VA, Columbia SC	Physici	an	Tier 1	\$294,351
PART A - REASON	FOR CO	MPENSATION	PANEL REVIEW	<u>''</u>
initial Pay Determination	Bienni	al Review	Other (explain	below) 6
PARTS B AND C TO BE COMPLET	ANEL FII account the e facility; ons; (5) a	he (1) level of ex (3) health care leccomplishments	perience in a special abor market for the specialty or a	ity or assignment;
See attached documentation.				

41 - 3441 342 QZ QZ	PANEL FINDINGS	- Continued	er alleypje.	nie er a gart i Nagalia
Pay includes compensation for b maintained it will result in an	eing Board Certi adverse effect	fied. If Board on total compen	d Cert:	ification is not
If position responsibilities chappropriate compensation.	ange, another pa	y panel will be	e conve	ened to determine
The physician compensation pane experience, special skills, and	l has reviewed a recommends pay	ll pertinent da be set at: \$	ata to No C	include education,
COMPEN	SATION PANEL F	ŘECOMMENDA'	TION	
ASSIGNMENT/ PAY TABLE		TIER	7.	RANGE OR RATE
Table 4/Anesthesia		1,21		57 - \$325,000
LOCATION OF PANEL   VACO	E	1	<u> </u>	
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SIGNATURE OF PANEL I	VIEMBERS (Additional	il signatures may be p	ovided or	an etlached sheet.)
CHAIRPERSON (Print name below)	SIGNATURE	0		DATE
Ziad AL-Assaad, MD	Dum			5/1/15
MEMBER (Print name below)	SIGNATURE			DATE
NOAH DOWNIE	1 pur			5/1/15
MEMBER (Print name below)	SIGNATURE			DATE
Want. Gry	- //w	<i>y</i>		US/01/2015
MEMBER(Print name below)	SIGNATURE			DATE
HR TECHNICAL ADVISOR (Print pame below)	SIGNATURAL.	/		
INCENTA VALENCULA	SIGNATURE			DATE
	A COLONIA DO		NATION C	5/1//5
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ANNUAL RATE OF PAY (Base Pay +	Market Pay)	124,413+1	\$167.	738=A294.351
COMMENTS				1001
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APPROVAL (Print name and title)	SIGNATURE	// //	T	DATE
Timothy B. McMurry	11/	4/6		5-5-15
Medical Center Director	ı·/	/		0 1 1 /

DEC 2005 10-0432A

- 1. Dr. Kennedy has over 20 years of experience as an Anesthesiologist while working at Dorn VA Medical Center. His level of experience has successfully allowed him to manage patients under general, regional, and MAC anesthesia. He consistently maintains educational competence in both TMS and CME requirements for medical licensure. On numerous occasions he has been requested to write Dorn VA Medical Center policies and Anesthesiology Service Standard Operating Procedures (SOPs). He recently completed Anesthesiology Service SOP 21-A (Infection Control Policy).
- 2. The need to retain and maintain this specialty is critical to the success of Dorn VA Medical Center, Anesthesiology and Surgical Services. Currently, Anesthesiology Service has aggressively recruited and filled all Anesthesiologists vacancies. If the service cannot maintain comparable pay compensation and assigned personnel depart due to pay compensation this will directly affect patient care and services provided by the Dorn VA Medical Center. Dr. Kennedy is well trained and with his experience and leadership abilities that he possesses he is a valuable member of the Dorn anesthesia team.
- 3. The market pay determination was based on the AAMC Southern-Region Survey data that showed a median base salary of \$331,000 for an Associate Professor. The 2014 Hay group data provides median total cash compensation of \$306,000 for anesthesiologist.
- 4. Dr. Kennedy is an ABA board certified in Anesthesiologist with over 17 years of experience.
- 5. He is well qualified and has held several positions of responsibilities. During the absence of the Chief he served as Acting Chief, Anesthesiology Service at the Dorn VA Medical Center. He completed an Internship (1992) and Residency (1995) at Richland Memorial Hospital. Dr. Kennedy possesses some of the most unique skills and competencies for this specialty. He has the technical expertise and leadership qualities needed to perform his duties as a senior anesthesiologist.
- 6. Dr. Kennedy has 20 years VHA experience.
- 7. Dr. Kennedy served for six months as Chair of the Non-Operating Room invasive procedure subcouncil. He once taught medical students from USC School of Medicine in conjunction with the Chief of Respiratory Therapy, chaired the Sedation Committee and coordinated and conducted Out of the Airway Management Course (OOORAM). On numerous occasions he served as the Acting Chief of Anesthesiology Service during the absence of the chief.
- 8. n/a



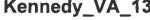
Department of Veterans	Affairs	COMP	ENS	SATION PA	NE	L ACTION
NAME		ı	AST	4 DIGITS OF S	SN	DATE
KENNEDY, RICHARD M. III		9	581			Feb 26, 2014
SERVICE/LOCATION	ASSIGNM	ENT		CURRENT TIEF	2	ANNUAL SALARY
WJB Dorn VAMC	11 11 11			289,798		
PART-A - REASO	NIFOR COL	IPENSATIO	N:P/	ANEL REVIE	Ņ	
Initial Pay Determination C	Biennia	l Review	•	Other (expla	in b	elow) (
Request no increase in pay. Curre performance bonus pay with a tota  SUPERVISOR'S APPROVAL (Print name below)  Robert J. Miller, D.O., Chief of Anesth	ntly his an l of \$304,7	nual is \$28	9,79	DA'	TE	physician's
PARTS BAND C TO BE COMPLE	TED:BY COM	PENSATION:P	ANE	L'AND APPROV	ING	OFFICIAL :
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Consideration of the Panel shall take ins (2) need for the specialty/assignment at t specialty/assignment; (4) board certificat prior VHA experience; (7) other conside	the facility; (3 tions; (5) ac	) health care complishmen	labo Is in	r market for th the specialty of	e - 055	rienment: (6)
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ASSIGNMENT/ PAY TABLE		TIER	PAY	RANGE OR RA
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Dank real	SIGNATURE			2/28/201
MEMBER(Print name below)	SIGNATIFRE			DATE
HR TECHNICAL ADVISOR (Print name below)	SIGNATURE	Marke		DATE
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L. Omura, DPT, MHA, MS	SIGUATURE /	<del>],</del>		DATE / /

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Page 2 of 2





		250	-96-3681
Department of Veterans A	ffairs COMPE	NSATION P	ANEL ACTION
NAME		AST 4 DIGITS OF	SSN DATE
KENNEDY, RICHARD M	B	(8)	03/01/2012
SERVICE/LOCATION	ASSIGNMENT	CURRENT TI	ER ANNUAL SALARY
Perioperative & Pain Medicine	Anesthesiology	1	\$285,327
PARTA - REASON	FOR COMPENSATION	PANEL REVI	EW/^ %
Initial Pay Determination	Biennial Review	Other (exp	olain below) C
	NATURE		DATE
PARTS B AND C TO BE COMPLETE	D'BY COMPENSATION PA		
Consideration of the Panel shall take into a (2) need for the specialty/assignment at the specialty/assignment (4) board certification prior VHA experience; (7) other consideration	facility; (3) health care list; (5) accomplishments; and (8)	abor market for in the specialty non-foreign cost	the or assignment; (6) t-of-living allowance.
In accordance with HRML 05-11-06, the pay. Survey Data, Hay Group Comp data May Anesthesiology (4329) : SC - Columbia Avg diff		Avg	change in market
Assignments: Anesthesiology		•	
Pay includes compensation for being B maintained it will result in an adver	oard Certified. If is see effect on total co	Board Certificompensation.	cation is not
f position responsibilities change, appropriate compensation.		.1 be convened	to determine
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ASSIGNMENT/ PAY TABLE		TIER	PAY RANGE OR	RATE
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CHAIRPERSON (Print name below)	SIGNATURE	_	DATE	ANT SEED OF A
Alfred B. Boykin Jr., M.D.	11.16	OSG-15-11-	03/01/2012	
MEMBER (Print name below)	SIGNATURE	17 11	DATE	
J. Jeffrey Brown, M.D.	1	motorm	03/01/2012	
MEMBER (Print name below)	SIGNATURE ///	177	DATE	
Stephen Hawes, M.D.			1 03/01/2012	
MEMBER(Print name below)	SIGNATURE	·	DATE	
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Kennedy\_VA\_22



250-96-368

Department of Veterans	∆ffaire	COMPEN	SATION PAN	EL ACTION
NAME	Andrio	SOCIAL SECUR		DATE
KENNEDY, RICHARD M III		SOCIAL SECOR	111 140.	1/11/2010
SERVICE/LOCATION	ASSIGNA	AENT.	OLIDDENIK FIEL	
SURGICAL SERVICE	-		CURRENT TIER	ANNUAL SALARY
		SIOLOGY	<u>                                     </u>	\$268,629
PART A - REASON	VFOR COL	MPENSATION P	ANEL REVIEW	
Initial Pay Determination	Blannu	al Review 🌀	Other (explain	below)
	IGNATURE		DATE	
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(2) need for the specialty/assignment at the specialty/assignment; (4) board certificate prior VHA experience; (7) other consider	ions; (5) ac	ccomplishments in	the specialty or a	ssignment; (6) -living allowance.
The compensation panel met and recodata.  Survey Data: Asst Prof / Assoc Prof AAMC: \$269K \$302K  Dr. Kennedy is a board certified and Assignments: Anesthesiology	E / Profes \$332K nesthesiol	sor ogist with over	: 15 years of ex	kperience.
f position responsibilities change ppropriate compensation.	, another	pay panel will	be convened to	determine

VA FORM DEC 2005 10-0432A



ASSIGNMENT/ PAY TABLE Surgery / Table 4  LOCATION OF PANEL  CHARPERSON (Print name below) SIGNATURE SIGNATURE DATE SIGNATURE DATE SIGNATURE DATE SIGNATURE DATE SIGNATURE SIGNATURE SIGNATURE SIGNATURE SIGNATURE DATE SIGNATURE SIGNATURE SIGNATURE DATE SIGNATURE SIGNATURE DATE SIGNATURE SIGNATURE DATE SIGNATURE SIGNATURE DATE SIGNATURE SIGNATURE SIGNATURE DATE SIGNATURE SIGNAT						
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ASSIGNMENT/ PAY TABLE  Surgery / Table 4  LOCATION OF PANEL   VACO   VISN						8
ASSIGNMENT/ PAY TABLE  Surgery / Table 4  LOCATION OF PANEL   VACO   VISN						
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LOCATION OF PANEL VACO VISN   X VAMC   HJB DORN VAMC, COLUMBIA SCO  SIGNATURE OF ENERGY MEMBERS (addition light into a procession of the state of the procession of the processi	Surgery / Table 4			1		
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Stephen J. Hawes, Jr., MD  MEMBER (Print name below) Ziad A. Al-Assaed, MD  MEMBER (Print name below) James J. Farrell, MD  MEMBER(Print name below)  MEMBER(Print name below)  SIGNATURE  DATE  JI/11/2010  MEMBER(Print name below)  SIGNATURE  DATE  TAMBER MACHOLS  PARTIC ACTION BY APPROVING OFFICIAL STATES STA		1 .	(YOU/ISUA)	and mast hove	s bioxidoa a	
MEMBER (Print name below) Ziad A. Al-Assaad, MD  MEMBER (Print name below) James J. Farrell, ND  MEMBER(Print name below)  SIGNATURE  DATE  13/11/2010  MEMBER(Print name below)  SIGNATURE  DATE  Tamera Nichols  ANNUAL RATE OF PAY (Base Pay + Market Pay)  COMMENTS  DATE  11/11/2010  COMMENTS  DATE  11/11/2010  COMMENTS  DATE  11/11/2010  DATE		SIGNATURE				al t
Elad A. Al-Assaad, MD  MEMBER (Print name below)  James J. Farrell, MD  MEMBER(Print name below)  SIGNATURE  DATE  IT/11/2010  MEMBER(Print name below)  SIGNATURE  DATE  Tamera Nichols  PART C ACTION BY APPROVING OFFICIA TO SERVING OFFICIA T		SUGNATURE	1,,			<del></del>
MEMBER (Print name below)  James J. Farrell, MD  MEMBER(Print name below)  SIGNATURE  DATE  TAMBER NICHOLS  PARTICE ACTION BY SAPPROVING OFFICIAL  ANNUAL RATE OF PAY (Base Pay + Market Pay)  COMMENTS  PEROVAL (Print name and lille)  SIGNATURE  DATE  TOTAL  DATE  TOTAL  SIGNATURE  DATE  TOTAL  (\$114,322 + \$167,738) = \$282,060  DATE  DATE  TOTAL  DATE  TOTAL  DATE  TOTAL  DATE  TOTAL  DATE  TOTAL  DATE  TOTAL  DATE		20	14/11	mist	,	
James J. Farrell, MD  MEMBER(Print name below)  SIGNATURE  DATE  Tames a Nichols  PARTIC ACTION BY APPROVING OFFICIALS  ANNUAL RATE OF PAY (Base Pay + Market Pay)  COMMENTS  PARTON (S114,322 + \$167,738) = \$282,060  COMMENTS  DATE  TOTAL STATE OF PAY (Base Pay + Market Pay)  DATE  PROVAL (Print name and little)  SIGNATURE  DATE  DATE	MEMBER (Print name below)	SIGNATURE	ancer	inian h	>	
HR TECHNICAL ADVISOR (Print name bolow)  Tambra Nichols  PARTIC ACTION BY APPROVING OFFICIAL  ANNUAL RATE OF PAY (Base Pay + Market Pay)  (\$114,322 + \$167,738) = \$282,060  COMMENTS  PPROVAL (Print name and title)  SIGNATURE	James J. Farrell, MD	11/2	حب			
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115-2C-10.	atricia O. Pittman, Medical Center Dir	1011-12.5	STEL	ie.		5-25-10.

Page 2 of 2



WM. JENNINGS BRYAN DORN DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER COLUMBIA, SOUTH CAROLINA

**MEMORANDUM** 

Date: Fet

February 4, 2010

From:

10.00

Director, Surgical Care Service Line (112)

Subj:

Approval of exception to Under Secretary Health's established pay cap – Anesthesiology

Α

ViSN-7 Director (10N7)

, To: Thru:

**Dorn Medical Center Director (00)** 

Chief of Staff (11)

Human Resources (05)

I recommend that Dr. Richard Kennedy receive an exception to the Under Secretary for Health's (USH) established pay cap of \$275,000.

Dr. Kennedy is a valuable and senior member of our anesthesia staff. His market pay determination was based in part on the AAMC Southern-Region Survey data that showed a mean base salary of \$307,000 for an Assistant Professor of Anesthesiology. Recently obtained data from the Ohio State University reveals the base pay to be \$275,000 for a staff anesthesiologist who takes no call; all of our anesthesiologists share in nighttime and weekend call every fourth night.

J. Jeffrey Brown, MD

VA FORM

2105

VHA Core Values: Trust - Respect - Excellence - Compassion - Commitment





Page 2

Subj: Exception to the Under Secretary of Health's Established Pay Cap of \$275,000

Meets / Does Not Meet Technical Requirements

Phyllis A. Jones

Chief, Human Resources Management

Concur) Nonconcur

Alfred B. Boykin, Jr., MD

Chief of Staff

Concur / Nonconcur

Patricia O. Pittman

Medical Center Director/CEO

Approved / Disapproved

Lawrence A. Biro

Network Director, VISN 7

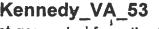


Department of Veterans A	Affairs	COMPENSATION PANEL ACTION					
NAME		SOCIAL SE	CUR	TY NO.	DATE		
KENNEDY, RICHARD M II		30 B.T.		W.	12/14/2007		
SERVICE/LOCATION	ASSIGNM	ENT		CURRENT TIER	ANNUAL SALARY		
Surgery	Anesthes	iology		1	\$259,734.00		
PART A - REASON	FOR COM	PENSATI	ΟNJP	ANEL REVIEW			
initial Pay Determination O	Ŗiannua ——	l Review	•	Other (explain	below) O		
SUPERVISOR'S APPROVAL (Print name below) 'SI	GNATURE	<b>v</b> .		DATE			
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PARTS BAND CITO BE COMPLET	- W 112 (412) - 12 ~ 13 AT Z	35 L. MC-3. 13C12	- 344,000	many and and an arranged on the same of the	GOFFICIAL Decrolle Willnesspring		
Consideration of the Panel shall take into (2) need for the specialty/assignment at the specialty/assignment; (4) board certification prior VHA experience; (7) other consider	e facility; (3 ons; (5) acc ations/comm	) health car complishme nents; and (	e lab ents in	or market for the the specialty or a	assignment; (6)		
Survey Data: Asst Prof / Assoc Prof AAMC: \$228K \$229K Dr. Kennedy is a board anesthesiolo	\$262K		of ex	xperience.			
Assignments: Anesthesiology  No change in market pay							
f position responsibilities change,	, another p	pay panel	will	be convened to	determine		
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ASSIGNMENT/ PAY TABLE		TIER	PAY	RANGE	OR RATE
Anesthesiology / Table 4		1	\$93	,818 -	\$270,000
LOCATION OF PANEL VACO	.	X VAM		N VAMC,	COLUMBIA SC
SIGNATURE OF PANEL N	EMBERS (Ad	ditonal signatures ma	y bo provided (	in án áttach	oất shoột.).
CHAIRPERSON (Print name below)	SIGNATURE			DATE	
MEMBER (Print name below)	SIGNATURE			DATE	107
Stephen Hawes, MD	MA			12/14/20	07
MEMBER (Print name below) J.Jeffrey Brown, ND	SIGNATURE ,	0		DATE	
MEMBER(Print name below)	SIGNATURE <	y sous		DATE	07
	C. C				
HR TECHNICAL ADVISOR (Print name below)	SIGNATURE			DATE	
Tamara Nichols		APPROVING O	ři olás	12/14/20	07
ANNUAL RATE OF PAY (Base Pay + COMMENTS		(\$106,326 +	\$156,000	) = \$? 	262,326
APPROVAL (Print name and title) Brian Heckert, Medical Center Director	SIGNATURE SIGNATURE	·		DATE	-08

Page 2 of 2



	_						
Department of Veteran	s Affairs	COMPENSATION PANEL ACTION					
NAME		SOCIAL SECURITY NO.				DATE	
KENNEDY, RICHARD M., III		250-96-3681				Mar 8, 2006	
SERVICE/LOCATION	ASSIGNMI	ENT		CURRENT TIE	R	ANNUAL SALARY	
SURGICAL	ANESTHES	IOPOGA	1	1		\$181,957.00	
PART A REAS	ŎŇŀFOR(COM	PENSATION	IP.	ANELIREVIE	W		
Initial Pay Determination	Biannua	l Review <sub>.</sub>	C	Other (expl	lain I	below)	
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SUPERVISOR'S APPROVAL (Print name below)	SIGNATURE 19	0/			ATE		
John J. Brown, MD		y_erows/_	20.05			:06	
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PARTE	FRANELIN	DINGS	/elu	mixingentiers	الكنيد		
Consideration of the Panel shall take it (2) need for the specialty/assignment a specialty/assignment; (4) board certific prior VHA experience; (7) other considerations	t the facility; (3 cations; (5) ac	) health care l complishments	labi s in	or market for a	the or a	ssignment; (6)	
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a		(4)					
		(4)					
Dr. Kennedy is board certified in	n Anesthesiol	.ogy.					
Dr. Kennedy's market pay determing which shows a median base salary a Full Professor. This survey is competitive with the Southern-Resqualified physicians.	of \$258,000 nformation as	for an Asso sures that	cia we	te Professo are offerin	r ar	nd \$285,000 for salary that is	
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